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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 NATURAL RESOURCES DEFENSE
14 COUNCIL, INC., et al.

15 Plaintiffs,

16 v.

17 DEPARTMENT OF ENERGY; et al.,
18 Administration, Oakland Operations
Office,

19 Defendants.
20
21

CASE NO.: 04-CV-04448 SC (BZ)

[PROPOSED] ORDER
GRANTING THE MOTION OF
THE PEOPLE OF THE STATE OF
CALIFORNIA, EX REL. BILL
LOCKYER, TO FILE AMICUS
CURIAE BRIEF IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT

DATE: June 23, 2006
TIME: 10:00 a.m.
PLACE: Courtroom1

The Honorable Samuel Conti

1 On March 10, 2006, the motion of the People of the State of
 2 California, ex rel. Attorney General Bill Lockyer (“Attorney General”), to file an
 3 Amicus Curiae Brief in Support of Plaintiffs’ Motion for Summary Judgment as to
 4 the First Claim for Relief under the National Environmental Policy Act (“NEPA”),
 5 42 U.S.C. ¶ 4321 *et. seq.*, came on regularly for hearing in this Court. The
 6 Attorney General’s motion was supported by a Noticed Motion and Memorandum
 7 of Points and Authorities.

8 After considering the Attorney General’s motion and accompanying
 9 submissions, and having heard the arguments of counsel, the Court grants the
 10 Attorney General’s Motion to File an Amicus Curiae Brief in this matter.

11 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:**

12 1. The Attorney General’s motion to file an Amicus Curiae Brief in
 13 support of Plaintiffs’ Motion for Summary Judgment, as to the First Claim for
 14 Relief under the National Environmental Policy Act (NEPA”), 42 U.S. C. § 4321
 15 *et seq.*, is GRANTED.

16 2. The Attorney General’s brief lodged with this Court on March 10,
 17 2006 is hereby filed.

18 3. The Attorney General’s arguments in its Amicus Curiae Brief shall be
 19 heard on June 23, 2006, concurrently with Plaintiffs’ and Defendants’ pending
 20 cross-motions for summary judgment in this matter.

21 Dated: June 14, 2006

22 PROPOSED BY:

23 _____
 24 /s/ Brian Hembacher
 25 BRIAN HEMBACHER
 26 Deputy Attorney General
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 28 Attorneys for Amicus Curiae

